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16 *Wallace, Jr., Richard Childress, Jessica Lockett,*
Steve F. Urvan, Christos Tsentas, Wayne Walker,
17 *Randy Luth, Robert J. Goodman, Harry*
Markley and Ammo, Inc.

18 [Additional Counsel on Signature Page]

19
20 **IN THE UNITED STATES DISTRICT COURT**
21 **FOR THE DISTRICT OF ARIZONA**

22 In Re AMMO, Inc. Stockholder Derivative
23 Litigation,

Lead Case No.: 2:24-cv-02969-SMB

24 This Document Relates to:

**PARTIES' JOINT STIPULATED AND
UNOPPOSED MOTION FOR STAY**

25 ALL ACTIONS
26

27 Plaintiffs George LeBoeuf ("LeBoeuf") and April Ruebsamen ("Ruebsamen," and
28 collectively with LeBoeuf, "Plaintiffs"), derivatively on behalf of Ammo, Inc. ("Ammo")

1 or the “Company”), nominal defendant Ammo, and defendants Fred W. Wagenhals, Jared
2 R. Smith, Robert D. Wiley, Russell William Wallace, Jr., Richard Childress, Jessica
3 Lockett, Steve F. Urvan, Christos Tsentas, Wayne Walker, Randy Luth, Robert J.
4 Goodmanson, and Harry Markley (collectively, “Individual Defendants” and with Ammo,
5 “Defendants”), by and through undersigned counsel, respectfully jointly move this Court,
6 stipulated and unopposed, for a stay of all deadlines in this Consolidated Derivative Action,
7 including any discovery and the date for responding to any complaints, subject to the
8 following terms and conditions:

- 9 1. These consolidated cases are derivative actions filed by Plaintiffs on behalf of the
10 Company against the Individual Defendants. These actions are related to a putative
11 securities class action previously filed in this Court captioned *Larmay v. Ammo,*
12 *Inc., et al.*, 24-cv-02619-PHX-DJH (the “*Larmay* action”). The *Larmay* action is
13 governed by the provisions of the Private Securities Litigation Reform Act
14 (“PSLRA”), 15 U.S.C. § 78u-4 of the Securities Exchange Act of 1934 (the
15 “Exchange Act”). Pursuant to a stipulated motion granted in the *Larmay* action, all
16 deadlines in that action are postponed until after the appointment of lead plaintiff
17 and the parties submit a schedule relating to the filing of any amended complaint.
- 18 2. Plaintiffs and Defendants all agree that it is in the best interests of the parties,
19 including the Company, and will preserve party and judicial resources to stay these
20 consolidated derivative actions until the earlier of any of the following events (the
21 “Termination Date”): (i) the related *Larmay* action is dismissed with prejudice; (ii)
22 any defendant in the *Larmay* action files an answer in that case, or (iii) fourteen days
23 after Plaintiffs provide a termination notice to counsel for Defendants via email and
24 file the notice with the Court if and after a related derivative action is not stayed for
25 a similar or longer duration and Plaintiffs elect to terminate the stay.
- 26 3. Defendants shall promptly notify Plaintiffs of any related derivative actions or
27 shareholder books and records requests or litigation demands.

- 1 4. Defendants shall promptly notify Plaintiffs if a related derivative action is not stayed
2 for a similar or longer duration.
- 3 5. In the event that any discovery is provided by any defendant in the *Larmay* action
4 or in any related derivative action, or that any documents are produced by the
5 Company in response to any shareholder books and records request, Defendants
6 shall contemporaneously provide copies of that discovery or books and records
7 production to undersigned counsel for Plaintiffs, conditioned on the agreement by
8 Plaintiffs and their counsel to the terms of a customary confidentiality agreement
9 and/or protective order, agreeable to all parties.
- 10 6. Plaintiffs may file an Amended Consolidated Derivative Complaint during the stay,
11 but doing so has no impact on the stay. In the event Plaintiffs file an Amended
12 Consolidated Derivative Complaint during the stay, Defendants shall answer, move,
13 or otherwise respond to the Amended Consolidated Derivative Complaint within
14 sixty (60) days of the Termination Date. If Plaintiffs do not file an amended
15 complaint during the stay, Plaintiffs shall have thirty (30) days after the Termination
16 Date to file an Amended Consolidated Derivative Complaint or, in the alternative,
17 to advise Defendants that they intend to rest on the existing complaint filed in the
18 LeBoeuf action (the “Complaint”). In such case, Defendants shall answer, move,
19 or otherwise respond to the Amended Consolidated Derivative Complaint or the
20 Complaint, as the case may be, within sixty (60) days after Plaintiffs file an
21 Amended Consolidated Derivative Complaint or advise Defendants of their
22 decision to rest on the Complaint. If any Defendant files a motion to dismiss the
23 operative complaint (either the Amended Consolidated Derivative Complaint or the
24 Complaint), or any other motion available to any Defendant, Plaintiffs shall file any
25 response within sixty (60) days after service of the Defendants’ motion(s).
26 Defendants may file a reply within thirty (30) days after Plaintiffs’ response.
27
28

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7. Plaintiffs and their counsel shall promptly be given notice by Defendants upon the scheduling of any mediation that may be held in the *Larmay* action and Defendants shall invite Plaintiffs to participate therein.

8. Plaintiffs and their counsel shall promptly be given notice by Defendants upon the scheduling of any mediation that may be held in any related derivative action and Defendants shall invite Plaintiffs to participate therein.

9. Defendants' position is that the stay of this action until the filing of any answer or the dismissal of the *Larmay* action will not prejudice any party, will reduce the burden on Defendants, including the Company, will preserve party and judicial resources, avoid duplicative litigation, avoid potentially inconsistent results, and serve the interests of justice. A stay is therefore warranted. *See, e.g., Dependable Highway Exp., Inc., v. Navigators Ins. Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007); *Landis v. North Am. Co.*, 299 U.S. 248, 254-55 (1936). Plaintiffs do not oppose Defendants' position and agree to the relief requested in this motion.

10. Plaintiffs and Defendants submit that this is the first request for a stay of the deadlines and that the stay is not for the purpose of delay, promotes judicial efficiency, and will not cause prejudice to any party or non-party.

11. Counsel for Plaintiffs and Defendants further certify that they have complied with the requirements of D.C.AZ.LRCiv 6.1 and D.C.AZ.LRCiv 7.3. The parties have conferred and have identified the good faith basis for their request (as set forth above), and the relief requested is sought jointly by all parties.

Accordingly, and for good cause shown, Plaintiffs and Defendants jointly request that this Court grant this stipulation and joint motion staying the pending consolidated derivative actions (including vacating all pending conferences and deadlines) under the terms and conditions set forth above. This request is being made without prejudice to any party's right to seek interim relief and without waiver of any defense that may be raised.

IT IS SO STIPULATED.

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RESPECTFULLY SUBMITTED this 31st day of January, 2025.

BALLARD SPAHR LLP

By: /s/ Brian Schulman

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MARTIN & BONNETT, P.L.L.C.

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*Counsel for Plaintiff April Ruebsamen and Co-
Lead Counsel for Plaintiffs*

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of January, 2025, I electronically transmitted the foregoing document to the U.S. District Court for the District of Arizona Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants.

/s/ Brian Schulman